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February 25, 2025

VIA EFILE

The Honorable Mae A. D'Agostino, USDCJ
United States District Court
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Courtroom 5
Albany, New York 12207

Re: United States of America v. Paul Geer
Case No. 3:24-CR-170 (MAD)

Dear Judge D'Agostino,

Please accept this letter motion in lieu of a formal motion regarding my application to quash a purported subpoena, hereinafter referred to as "document", served upon me by defense counsel in the above referenced matter. First, the service of the document is deficient. It was served upon a receptionist who does not work for me, but rather, works for a company from which I rent office space, and did not include any compensation for travel expenses. Further, the date for appearance contained on the document is not consistent with the date that Investigator O'Brien left on my voicemail for appearance before this Court. The document demands my appearance on February 26th, but Investigator O'Brien instructed me on my voicemail that I am to appear February 28th.

More significantly, I am not a witness to any of the acts of defendant Paul Geer. The entirety of my involvement with Mr. Geer is limited to the taking of his deposition in two (2) civil lawsuits, both of which have been resolved. The depositions speak for themselves. As far as any testimony I may give regarding discussions with my clients, as the Court is aware, I am precluded under my legal and ethical obligations from discussing any aspect of these conversations pursuant to "attorney client privilege." CPLR 4503 (a). The inconvenience of having to travel to Court, [my office and home are both located in excess of 150 miles from the Court House], the lack of any personal knowledge as to the substance of the pending criminal case, and my ethical obligations to my clients, both past and present, make this fishing expedition by defense counsel an abuse of their subpoena powers.

Accordingly, I respectfully request that the Court exercise its power to quash this document/subpoena.

Respectfully submitted,



Ralph DeSimone

Encls.

cc: Lisa Peebles, Federal Public Defender
Anne LaFex, Assistant Federal Public Defender
Adrian LaRochelle, Assistant United States Attorney
Jessica Carbone, Assistant United States Attorney
Michael Gadarian, Assistant United States Attorney

AO 89 (Rev. 08/09) Subpoena to Testify at a Hearing or Trial in a Criminal Case

UNITED STATES DISTRICT COURT

for the

Northern District of New York

United States of America)

Paul Geer)

Case No. 3:24-CR-170 (MAD)

Defendant)

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Ralph DeSimone

~~145 Hudson St.~~New York, NY ~~10013~~745 5th Ave, Suite 500
10151

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: United States District Court James T. Foley U.S. Courthouse 445 Broadway Albany, NY 12207	Courtroom No.: 5 Date and Time: 02/26/2025 9:00 am
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You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

(SEAL)

Date: 01/02/2025

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) Paul Geer

, who requests this subpoena, are:

Lisa Peebles, Esq. and Anne LaFex, Esq., Office of the Federal Public Defender, 4 Clinton Square, 3rd Floor, Syracuse, NY 13202. (315) 701.0080. Please contact Investigator John O'Brien at (315) 459.1336 to confirm the date and time of your appearance.

315-345-1543